

Environmental Protection Agency

§ 91.905

§ 91.902 Definitions.

The definitions in subpart A of this part apply to this subpart.

§ 91.903 Applicability to part 85, subpart T.

(a) Marine SI engines subject to provisions of subpart A of this part are subject to emission defect reporting requirements specified in 40 CFR Part 85, subpart T, except for the items set forth in this section.

(b) 40 CFR 85.1901 does not apply. See § 91.901.

(c) Reference to the Clean Air Act, 42 U.S.C. 1857 in 40 CFR 85.1902(a) does not apply. Reference to the Clean Air Act, 42 U.S.C. 7401 does apply.

(d) Reference to the “approved Application for Certification required by 40 CFR 86.077–22 and like provisions of Part 85 and Part 86 of Title 40 of the Code of Federal Regulations” does not apply. Reference to the approved application for certification required by 91.108 and like provisions of Part 91 does apply.

(e) Reference to section 202(d) of the Act in § 85.1902(c) does not apply. Reference to section 202(d) and section 213 of the Act does apply.

(f) Reference to section 214 of the Act in § 85.1902(e) and (f) does not apply. Reference to section 216 of the Act does apply.

§ 91.904 Voluntary emission recall.

(a) A manufacturer, prior to initiating a voluntary emission recall program, must submit to the EPA the following information for a 15 day review and comment period:

(1) A description of each class or category of engines recalled, including the number of engines to be recalled, the model year, and such other information as may be required to identify the engines recalled;

(2) A description of the specific modifications, alterations, repairs, corrections, adjustments, or other changes to be made to correct the engines affected by the emission-related defect;

(3) A description of the method by which the manufacturer will notify engine owners including copies of any letters of notification to be sent to engine owners;

(4) A description of the proper maintenance or use, if any, upon which the manufacturer conditions eligibility for repair under the recall plan, and a description of the proof to be required of an engine owner to demonstrate compliance with any such conditions;

(5) A description of the procedure to be followed by engine owners to obtain correction of the nonconformity. This may include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor to remedy the defect, and the designation of facilities at which the defect can be remedied;

(6) A description of the class of persons other than dealers and authorized warranty agents of the manufacturer who will remedy the defect; and

(7) A description of the system by which the manufacturer will assure that an adequate supply of parts is available to perform the repair under the plan.

(b) The manufacturer must submit at least one report on the progress of the recall campaign. This report is submitted one year from the date notification begins and includes the following information:

(1) The methods used to notify both engine owners, dealers and other individuals involved in the recall campaign;

(2) The number of engines known or estimated to be affected by the emission-related defect and an explanation of the means by which this number was determined;

(3) The number of engines actually receiving repair under the plan;

(4) The number of engine owners, dealers, and other individuals involved in the recall campaign that have been notified and the number of engines that have actually received repair; and

(5) The number of engines determined to be ineligible for remedial action due to a failure to properly maintain or use such engines.

§ 91.905 Reports, voluntary recall plan filing, record retention.

(a) The defect report, voluntary recall plan, and the voluntary recall progress report shall be sent to: Manager, Engine Compliance Programs

Group 6403–J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(b) The information gathered by the manufacturer to compile the reports must be retained for not less than five years from the date of the manufacture of the engines and must be made available to duly authorized officials of the EPA upon request.

§91.906 Responsibility under other legal provisions preserved.

The filing of any report under the provisions of this subpart will not affect a manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any provision of law.

§91.907 Disclaimer of production warranty applicability.

(a) The act of filing an Emission Defect Information Report is inconclusive as to the existence of a defect subject to the warranty provided by section 207(a) of the Act.

(b) A manufacturer may include on each page of its Emission Defect Information Report a disclaimer stating that the filing of a Defect Information Report pursuant to these regulations is not conclusive as to the applicability of the warranty provided by subpart M of this part.

Subpart K—Exclusion and Exemption of Marine SI Engines

§91.1001 Applicability.

The requirements of this subpart K are applicable to all marine spark-ignition propulsion engines subject to the provisions of subpart A of this part 91.

§91.1002 Definitions.

The definitions in subpart A of this part apply to this subpart. The following definitions also apply to this subpart:

Exemption means exemption from the prohibitions of §91.1103.

Export exemption means an exemption granted under §91.1104(b) for the purpose of exporting new marine SI engines.

National security exemption means an exemption which may be granted under

§91.1104(b) for the purpose of national security.

Manufacturer-owned marine engine means an uncertified marine SI engine owned and controlled by a marine SI engine manufacturer and used in a manner not involving lease or sale by itself or in a marine vessel or piece of equipment employed from year to year in the ordinary course of business for product development, production method assessment, or market promotion purposes.

Testing exemption means an exemption which may be granted under §91.1104(b) for the purpose of research, investigations, studies, demonstrations or training, but not including national security.

§91.1003 Exclusions based on section 216(10) of the Act.

(a) For the purpose of determining the applicability of section 216(10) of the Act, any marine SI engine as that term is defined in subpart A of this part, is deemed a nonroad engine.

(b) EPA will maintain a list of models of marine SI engines, and the marine vessels which use such engines, that have been determined to be excluded because they are used solely for competition. This list will be available to the public and may be obtained by writing to the following address: Group Manager, Engine Compliance Programs Group, Engine Programs and Compliance Division (6403J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(c) Upon written request with supporting documentation, EPA will make written determinations as to whether certain engines are or are not marine SI engines. Engines that are determined not to be marine SI engines are excluded from regulations under this part but may be subject to regulations under another part.

§91.1004 Who may request an exemption.

(a) Any person may request a testing exemption under §91.1005.

(b) Any marine SI engine manufacturer may request a national security exemption under §91.1008.